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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS HEALTH AND WELFARE  
TRUST; THE BOARD OF TRUSTEES OF  
THE CONSTRUCTION INDUSTRY AND  
LABORERS JOINT PENSION TRUST; THE  
BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS SAVINGS TRUST; and THE  
BOARD OF TRUSTEES OF THE  
SOUTHERN NEVADA LABORERS  
LOCAL 872 TRAINING TRUST,

Plaintiffs,

v.

THE TIBERTI COMPANY, LLC dba Tiberti  
Fence Co., a Nevada limited liability  
company,

Defendant.

CASE NO.: 2:24-cv-01461-RFB-DJA

**JOINT STIPULATION AND ORDER  
TO EXTEND DISCOVERY  
DEADLINES**

**(FIRST REQUEST)**

Plaintiffs, the Boards of Trustees of the Construction Industry and Laborers Health and Welfare Trust, the Construction Industry and Laborers Joint Pension Trust, the Construction Industry and Laborers Vacation Trust, the Southern Nevada Laborers Local 872 Training Trust (collectively referred to as “Trust Funds”), and Defendant The Tiberti Company LLC (“Tiberti”), through their respective counsels of record, hereby stipulate to extend

the current discovery deadlines by ninety (90) days, pursuant to Local Rule IA 6-1 and 6-2, and Local Rule 26-3, as follows:

**A. DISCOVERY COMPLETED TO DATE:**

1. On September 24, 2024, the first day discovery opened, Tiberti served its first set of interrogatories and requests for production.

2. On October 16, 2024, the Trust Funds served their first set of interrogatories, requests for production and requests for admissions..

3. On October 18, 2024, the Trust Funds and Tiberti served their initial disclosures.

4. On November 7, 2024, the Trust Funds served responses to Tiberti's requests for production and interrogatories. The Trust Funds also served a supplemental disclosure.

5. On December 3, 2024, Tiberti served responses to the Trust Funds' first set of interrogatories, requests for production and requests for admissions. Tiberti also served a supplemental disclosure.

6. On December 19, 2024, the Trust Funds' counsel served a 20-page letter addressing Tiberti's discovery responses and requested a meet and confer with Tiberti's counsel. The Trust Funds also disclosed a privilege log and served a notice of intent to serve a subpoena on Berry & Co. CPA's, the Trust Funds' auditor, and proceeded to serve the subpoena.

7. On January 10, 2025, the parties held a meet and confer, in which Tiberti agreed to supplement certain documents and information.

8. On January 17, 2025, the Trust Funds served a notice of intent to served a notice of intent to serve subpoenas on the following entities and proceeded to serve those subpoenas:

- a. APCO Construction;
- b. Better Building Systems;
- c. CG&B Enterprises, Inc.;
- d. Core West, Inc. dba Core Construction;
- e. Discovery Property Company, LLC;
- f. Fisher Sand & Gravel Co.;
- g. Las Vegas Paving Corporation);

- h. Parkway Construction & Associates;
- i. Perk Construction, LLC;
- j. Rafael Construction, Inc.;
- k. Roche Constructors, Inc.;
- l. Sletten Construction;
- m. Summit Line Construction, Inc.;
- n. Tab Contractors, Inc.;
- o. Tand, Inc.;
- p. W.A. Richardson Buildings, Inc.; and,
- q. William Charles Construction Company.

8. The responses of the various entities that the Trust Funds have served subpoenas on have been mixed, consisting of timely and full productions, deficient productions, requests for extensions and refusals to respond.

9. On January 24, 2025, Tiberti served a privilege log.

10. On January 31, 2025, Tiberti served supplemental responses to the Trust Funds' interrogatories and requests for production, comprising some of the supplemental documents and information that Tiberti agreed to produce on the parties' meet and confer. Tiberti also served a supplemental disclosure.

#### **B. DISCOVERY THAT REMAINS TO BE COMPLETED:**

The Trust Funds and Tiberti still need to conduct depositions of relevant witnesses, including the person(s) most knowledgeable of the parties pursuant to Federal Rule of Civil Procedure 30(b)(6) and possible third-party depositions. Tiberti is also providing supplemental responses to the Trust Funds' discovery requests and a supplemental disclosure, as agreed in the parties' meet and confer. The parties also may need to serve additional discovery requests, depending on the documents yet to be disclosed by the parties or through third-party subpoenas. Moreover, while the Trust Funds have dutifully interacted with the subpoenaed entities and are pursuing subpoena responses, the Trust Funds still need to obtain proper responses from roughly a quarter of the entities. Relatedly, the Trust Funds need to provide a supplemental disclosure

consisting of the various subpoena responses.

**C. REASON DISCOVERY WAS NOT COMPLETED:**

Pursuant to LR 26-3(c), the parties describe why they have good cause for a 90-day extension to conduct this remaining discovery:

As shown above, the parties have been very diligent in their discovery efforts, with Tiberti serving discovery requests on the very first day of the discovery period, the Trust Funds disclosing thousands of pages of documents, the issuance of multiple subpoenas and the parties working to resolve discovery disputes. Despite this diligence, however, additional discovery is required due to the delay caused by the various outstanding subpoena responses, the supplementing of discovery responses and the inevitable slowdown of the holiday season.

Moreover, Tiberti very recently substituted counsel in this matter, substituting in Justin Shiroff from Jackson Lewis P.C. (*See* ECF No. 14, filed Feb. 7, 2025.) The undersigned counsel and Mr. Shiroff have had initial conversations and agreed on this request for extension of deadlines, but still need to coordinate logistics to complete the remaining discovery, which will also take additional time. Given all of this, the parties submit that these facts and circumstances provide good cause for a ninety (90) day extension of the remaining discovery deadlines.

**D. CURRENT DISCOVERY SCHEDULE:**

1. Discovery Cutoff March 10, 2025
2. Dispositive Motion Cutoff: April 9, 2025
3. Pretrial Order Cutoff: May 9, 2025

**E. PROPOSED DISCOVERY SCHEDULE:**

1. New Discovery Cutoff: June 9, 2025
2. New Dispositive Motion Cutoff: July 8, 2025
3. New Pretrial Order Cutoff: August 7, 2025

4. In the event dispositive motion(s) are filed, the date for filing the joint pretrial order shall be suspended until 30 days after the Court enters a ruling on the dispositive motions, or otherwise by further order of the Court.

Dated: February 11, 2025.

JACKSON LEWIS P.C.

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SCHRECK, LLP

/s/ Justin A. Shiroff

/s/ Christopher M. Humes

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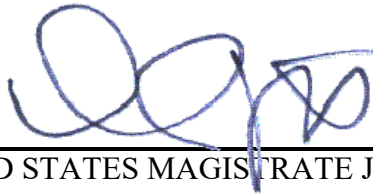
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**ORDER**

**IT IS SO ORDERED.**



UNITED STATES MAGISTRATE JUDGE

**DATED:** 2/12/2025

**Case No. 2:24-cv-01461-RFB-DJA**